Filed 5/1/19 Marriage of Wong and Lee CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

In re the Marriage of LISA WONG and BOSCHAL LEE.	B279040, B282862, B287578
LISA WONG, Respondent, v. BOSCHAL LEE et al., Appellants.	(Los Angeles County Super. Ct. No. GD055619) ORDER MODIFYING OPINION AND DENYING PETITION FOR REHEARING AND REQUEST TO CONTINUE [NO CHANGE IN JUDGMENT]

THE COURT:

It is ordered that the opinion filed April 5, 2019 is modified as follows:

1. On page 12, the second sentence of the first paragraph under Section E., the phrase "but neither

of those documents nor Lisa's original request is in our record" shall be deleted.

2. On page 21, the third sentence stating "Boshal never sought review by writ of Judge Traber's refusal to disqualify herself.", shall be deleted.

3. On page 33, the first sentence of the second full paragraph, stating "Here, the proof of service of Lisa's request to renew the restraining order is not in the record." , shall be replaced with "Here, there is no signed, file-stamped proof of service of Lisa's request to renew the restraining order in the record."

There is no change in the judgment.

Appellant's petition for rehearing and request to continue consideration of the petition so that appellant may supplement the record are denied.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J. CHANEY, J. BENDIX, J.

Filed 4/5/19 Marriage of Wong and Lee CA2/1 (unmodified opinion)

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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

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LISA WONG, Respondent, v. BOSCHAL LEE et al., Appellants.	(Los Angeles County Super. Ct. No. GD055619)

APPEALS from orders of the Superior Court of Los Angeles County, Theresa M. Traber, Judge. Dismissed in part and affirmed in part.

Law Offices of William Stocker and William Stocker; Law Office of Gerald Philip Peters and Gerald P. Peters for Appellants.

No appearance for Respondent.

The matter before us is a consolidation of three appeals arising from a marital dissolution proceeding. Boschal Lee was the respondent below; his former spouse, Lisa Wong, commenced that proceeding. The family law court described that litigation as "high conflict."

Boschal[1] appeals several orders from that proceeding, including orders deeming him a vexatious litigant, renewing a restraining order against him permanently, requiring him to remove certain derogatory social media postings about Lisa pursuant to that restraining order, denying him interim monetary support, denying his request that one of the family law court judges recuse herself, and denying his anti-SLAPP motion directed at the motion to declare him a vexatious litigant.

The underlying litigation also involves Boschal's brother, Allan Lee. Allan appeals orders for monetary sanctions the family law court awarded against him.

We conclude Allan's appeal must be dismissed as nonappealable because the sanctions do not exceed $5,000. We also conclude the following four orders in Boschal's appeal must be dismissed respectively as nonappealable, untimely, and/or not designated in his notices of appeal: (1) denial of the motion to disqualify the family law court judge; (2) denial of the ex parte application to stay the proceedings; (3) denial of the motion to disqualify Lisa's counsel; and (4) grant of the motion requiring him to remove certain social media postings about Lisa.

We conclude Boschal has not demonstrated error as to the remaining orders in his appeal because of his failure to address

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[1] We refer to the parties by first name for clarity, not out of familiarity or disrespect. (See *In re Marriage of Schaffer* (1999) 69 Cal.App.4th 801, 803, fn. 2.)

the family law court's reasoning, analyze the applicable law, provide citations to the record, or consider the entire record as opposed to just the evidence in his favor.

FACTUAL AND PROCEDURAL BACKGROUND

Given the many proceedings below in this consolidated appeal and the many issues Boschal raises in his appellate brief, we describe the proceedings in the family law court in some detail.

A. Lisa Commenced Divorce Proceedings Against Boschal

Boschal and Lisa married on January 13, 1996. They have two children. Throughout the proceedings below, one child was in middle or high school and the other was in college. According to Boschal's appellate brief, Lisa, through counsel, commenced a dissolution proceeding against Boschal in the Los Angeles family law court on September 26, 2014. That petition is not in our record.

Boschal's siblings, Allan and Daphne Lee, were involved in the family law court proceedings as well. The record reveals Boschal and Allan owned, or were officers of an entity known as Kracksmith, Inc., which allegedly encumbered Boschal and Lisa's communal home.[2]

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[2] At the May 19, 2016 hearing, the family law court noted there was an automatic bankruptcy stay on claims against Kracksmith that was eventually lifted during the family law court proceedings. At that hearing, Daphne stated she lived in Sacramento, and it was revealed that Daphne is a licensed attorney or judicial officer. Additionally, the family law court, through Judge Theresa Traber, denied Allan's and Daphne's

B. Summary Of Orders Raised On Appeal

Boschal and Allan filed three separate notices of appeal. We set forth the family law court's orders listed in each notice of appeal. We then describe the factual and procedural history regarding each such order in separate sections. We also note Allan's appeal relates only to monetary sanctions.

First, on October 17, 2016, Boschal filed a notice of appeal of the following orders made on August 18, 2016, September 6, 2016, and October 18, 2016: (1) deeming Boschal a vexatious litigant and that Boschal obtain court permission to file new litigation (prefiling order); (2) denying Boschal's request that Judge Traber recuse herself; (3) denying Boschal's request to vacate Lisa's domestic violence restraining order against him; (4) denying Boschal's request for interim monetary spousal and child support; (5) denying Boschal's anti-SLAPP motion to strike Lisa's vexatious litigant request; and (6) denying Boschal's request to stay the proceedings pending his appeal of the family law court's denial of his anti-SLAPP motion.

Second, on May 17, 2017, Boschal and Allan jointly filed a notice of appeal of the following orders made on February 6, 2017 and May 4, 2017: (1) denying Boschal's motion to disqualify Lisa's attorney; and (2) granting Lisa's motion to compel Allan to produce documents in discovery and her request for monetary sanctions against Allan in the amount of $2,110.

"motion to quash the proceedings." That order is not the subject of this appeal, and documents filed in connection with that motion are not in our record.

Third, on January 17, 2018, Boschal filed a notice of appeal of the December 21, 2017 order renewing Lisa's domestic violence restraining order against him for 101 years.

On February 27, 2018, we consolidated the three appeals.

In his appellate brief, Boschal argues the family law court's inclusion in its October 7, 2016 restraining order of a provision that Boschal delete certain social media postings that imputed professional misconduct to Lisa must be reversed, but he does not list that ruling in any of his notices of appeal.

C. The Family Law Court Denied Boschal's Request For Interim Monetary Spousal And Child Support

On October 7, 2014, Boschal, in propria persona, filed a request for child custody, child support, spousal support, and attorney fees.

On January 27, 2015, the family law court, through Judge Harvey A. Silberman, ordered Boschal to produce loan documents and collateral statements regarding a purported community debt, and to correct procedural errors in a motion to compel further discovery responses that he had filed. Discovery disputes ensued.

On May 19, 2016, the parties appeared for a hearing on Boschal's requests for temporary child support, spousal support attorney fees, characterization of assets as community debts, and early distribution of funds. Our record of this proceeding does not contain the documentary evidence proffered below and consists mainly of testimony, which testimony we recount below.

Boschal's main argument relevant to this appeal was that his income was not actually income but rather loans. He also testified his bad back did not entirely prevent him from working, thus apparently contravening his disability claim.

The family law court, through Judge Traber, found Boschal did not provide documents supporting his claim that Lisa's income was greater than his, Lisa siphoned community bank accounts, or that his income was actually a loan. The court observed Boschal worked as a banker in the past, and thus had sufficient knowledge of the importance of producing financial documents to support his claims.

The family law court then ruled Boschal had not met his burden to prove he was disabled, lacked income, or that his income was substantially less than Lisa's income. The family law court believed the evidence showed Boschal had "a great deal of income" and did not support Boschal's contention that his income actually constituted loans. Thus, the family law court denied Boschal's requests. We note Lisa's papers regarding this proceeding are not in our record.

On May 31, 2016, Boschal, in propria persona, filed a motion for reconsideration of the family law court's May 19, 2016 order. In his papers accompanying that motion, Boschal argued Judge Traber was biased against him.[3]

On September 6, 2016, the parties appeared for a hearing on Boschal's reconsideration motion. Attorney Elina Avagimova represented Boschal at that hearing "on a limited scope."

Avagimova argued Boschal was requesting reconsideration because she (Avagimova) did not understand the burden of proof referenced in the original order, and the family law court did not make findings about Boschal's income on the record. Avagimova then contended there was new evidence of Boschal's loan agreements. She further asserted Boschal could not have

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[3] We set forth Boschal's bias claim in the context of his request below that Judge Traber recuse herself.

obtained that evidence sooner because though Daphne had that evidence, Daphne had been excused early, thus preventing Boschal from presenting that evidence.

Avagimova identified the loan documents as "exhibit 3 in his supplemental," which exhibit is a loan statement from American Business Fund. The "supplemental" document is not in our record. The testimony in the record does not reveal why Boschal believed the document proved his income was actually a loan or why a loan was relevant to his income calculation.

Judge Traber examined the supplemental document, found it did not prove that Boschal's income was actually the product of a loan, reaffirmed her prior ruling, and denied the motion for reconsideration.

D. Lisa Obtained A Domestic Violence Restraining Order Against Boschal, The Family Law Court Denied Boschal's Motion To Vacate That Order, And Lisa Obtained Renewal Of The Order

On January 26, 2015, the family law court, through Judge R. Carlton Seaver, issued a temporary domestic violence restraining order protecting Lisa. That order prohibited Boschal from harassing, striking, and threatening Lisa, disturbing the peace, or contacting Lisa's employer or coworkers. It also required Boschal to stay away from Lisa, her home, her workplace, and her vehicle. Lisa's papers related to that proceeding are not in our record.

On January 27, 2015, the parties appeared before Judge Silberman regarding a discovery dispute. Boschal appeared without counsel. Lisa appeared through her attorney. At the end of that hearing, Judge Silberman reminded the parties that a hearing on whether to make the temporary restraining

order permanent was set for February 20, 2015 and reminded Boschal that his response was due February 13, 2015. Boschal filed a response on that date. In that response, Boschal asserted Lisa misrepresented the facts, Lisa never notified him of his misconduct, Lisa included certain text messages that were part of confidential settlement discussions, and he had "atoned." He further asserted Lisa's request for the restraining order was based on subpoenas Boschal served on her employer for information about Lisa's compensation, and not on any purported misconduct by Boschal. Attached to Boschal's response were copies of text messages between Lisa and him discussing child and spousal support, an e-mail Boschal sent to attorneys for Lisa's employer in response to a cease and desist letter they had sent him, e-mails between Boschal and Lisa's attorney regarding the whereabouts of funds that Boschal asserted Lisa had "stolen," text messages between Lisa and a third party, and a copy of Boschal's "proof of firearms turned in . . . to law enforcement." (Capitalization omitted.)

On February 20, 2015, the family law court, through Judge Silberman, noted that by 9:03 a.m., Boschal had failed to appear but had filed a timely response. The family law court then questioned Lisa, found her testimony to be true, and issued a permanent restraining order expiring on February 19, 2018 against Boschal pursuant to the Domestic Violence Prevention Act (Fam. Code, § 6200 et seq.). After the court issued that order, Boschal said, "Your Honor, I'm—." The court responded, "I'm sorry, Mr. Lee. The matter is over. All right? I've made the order" and had the bailiff escort Boschal out of the courtroom.

On August 18, 2016, the parties appeared before Judge Traber for a hearing on Boschal's request to vacate the

permanent restraining order. Boschal argued things merely "got heated" during mediation, Lisa "did things that were not right for our children," Lisa should find another job, and that all the conduct Lisa described was not harassment. He also testified that he had no direct contact with Lisa since the restraining order was issued, Lisa continued to contact him, he did not talk to her coworkers, and the restraining order itself was harassment and a tactic to deprive him of child support. He claimed he was unable to get a job because of the restraining order.

The family law court denied Boschal's request to vacate the restraining order because Boschal had not demonstrated a material change in facts since the restraining order was issued. The family law court explained physical domestic violence was not required to justify a restraining order, and Boschal's contention that he had not contacted Lisa directly was irrelevant because the restraining order arose from Boschal's contacting Lisa's coworkers. The family law court also found Boschal proffered no evidence that he had lost a job opportunity because of the restraining order.

On November 30, 2017, Lisa, through counsel, filed a request to renew the domestic violence restraining order. Attached to that request were: (1) a cease and desist letter from the attorneys for Lisa's employer to Boschal demanding he stop making defamatory statements about Lisa's employer;[4] (2) an e-mail from Boschal responding to that letter questioning the employer's decision to promote Lisa; and (3) copies of text

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[4] As set forth below, Boschal argued Judge Traber was biased against him because the judge's husband was a partner in the law firm that represented Lisa's employer in some of the proceedings below.

messages Boschal sent to Lisa including, "*See, I don't care if my motions are denied, I will just file another one. It's a game for me. Fucking with your work is also a game, I have nothing to lose. But it sure is fun!!" "Until we settle divorce it will be a fun game for me.*" (Italics added.)

On December 21, 2017, the parties appeared at the renewal hearing. As a procedural matter, the family law court first denied Boschal's request for a continuance of that hearing because of his history of bad faith delays, including two unfounded removal efforts to federal court. Additionally, the family law court found Boschal had been representing himself throughout the litigation, thus rendering his claim that he was not competent to proceed not credible. It further reasoned that Boschal failed to give Lisa notice of his continuance request.

On the merits, Boschal made a plethora of arguments: (1) he voluntarily stopped contacting Lisa; (2) Lisa continued contacting him directly through e-mail; (3) he was unqualified to participate in the hearing because he was not an attorney and thus could not get a fair hearing; (4) Lisa's evidence of his text messages was a mere "sound bite"; (5) the restraining order was an abuse of process; (6) Lisa was an officer and shareholder of the same company that chose to sue her boyfriend; (7) he believed the corporation and its attorney reached out to Lisa regarding the lawsuit against her boyfriend; (8) Lisa's counsel told Boschal to speak to Lisa directly, thus showing Lisa did not have any apprehension of abuse; (9) the text messages were a follow up to a genuine settlement discussion about division of property; (10) he was trying to obtain documents from Lisa's employer showing it gave her money for personal travel and thus was relevant to her income; (11) he "may have filed a lot of motions" after being

deemed a vexatious litigant because he "felt that [he] ha[s] been wronged"; and (12) Lisa proffered no evidence of "new" abuse because he "mended [his] ways."

The family law court found Boschal's testimony generally not credible. The court found Boschal's text message, "[w]hat I am doing is not going to stop until you—this entire matter is resolved" to be intentionally coercive, intimidating, and threatening, and not a settlement discussion as Boschal urged. The family law court found Boschal's text messages about interfering with Lisa's work disturbing and indicating a lack of control. Additionally, the court observed Boschal's conduct throughout the litigation constituted aggressive, frivolous litigation tactics. The family law court also found there was no evidence that the restraining order burdened Boschal in securing employment.

It further concluded Boschal's contention that Lisa continued to contact him was irrelevant because (1) the direct contacts with Lisa were about custody and visitation issues, which contacts were outside the purview of the restraining order; (2) Lisa was not the restrained party; and (3) the basis for the restraining order was Boschal's contacting Lisa's employer and coworkers and efforts to humiliate her to coerce her into a settlement. The family law court noted Boschal's behavior was not isolated and therefore the circumstances had not changed. It further observed psychological abuse was sufficient to warrant renewal of a restraining order. Thus, the family law court concluded Lisa had a reasonable apprehension of future abuse and renewed the restraining order through December 21, 2118 (101 years).

E. The Family Law Court Deemed Boschal A Vexatious Litigant And Issued A Prefiling Order

On June 22, 2015, Judge Silberman set an order to show cause on Lisa's request to deem Boschal a vexatious litigant. The record reveals Lisa filed a declaration with her original request and that on January 12, 2016, she filed a reply, but neither of those documents nor Lisa's original request is in our record.

On February 26, 2016, Lisa's counsel filed a supplemental declaration in support of her request. That declaration is in our record and includes a chart of 17 purportedly frivolous pleadings that Boschal filed from June 11, 2014 to October 5, 2015: (1) a civil case filed against Lisa's boyfriend and employer that was dismissed on summary judgment; (2) a fee waiver application that was granted; (3) a request for spousal support that was taken off calendar because of Boschal's failure to disclose his financial resources and respond to discovery; (4) four ex parte applications that were denied; (5) an unsuccessful motion to join Lisa's employer as a party to the dissolution action; (6) a motion to compel Lisa's employer to produce documents that was denied; (7) a motion to join Lisa's sister as a party to the dissolution action that was denied; (8) two petitions for writ of mandate that were denied; (9) a motion to disqualify a judicial officer that was denied; (10) a motion to quash subpoenas that was denied; (11) a motion to quash proceedings that was denied as moot; and (12) two motions for reconsideration that were denied. The pleadings referenced in the latter list are not in our record except for an ex parte application (item 4 above) and request for order for spousal support (item 3 above) that Boschal filed on October 7, 2014.

On March 22, 2016, Boschal, in propria persona, filed a "supplemental declaration to [Lisa]'s vex[a]tious litigant

declaration and motion to strike pursuant to CCP Section 425.16." In that declaration, Boschal asserted Lisa's vexatious litigant request was a scheme to deprive him of his right to petition the court, Lisa concealed assets, the restraining order was frivolous, and he was not a "litigant" in some of these cases listed in Lisa's counsel's declaration. Boschal asserted the other pleadings in Lisa's counsel's declaration were "*required*" because he was being deprived of his right to petition.

On August 18, 2016, the parties appeared for the hearing on Lisa's vexatious litigant request. Lisa's counsel argued Boschal's previous filings were frivolous and mostly denied, and were merely directed to undo rulings with which Boschal disagreed. Lisa's counsel also referred to the text messages from the restraining order proceedings held earlier that day including the one threatening to file more motions "[u]ntil we settle divorce." Lisa's counsel also contended Boschal's claim that Lisa withheld community funds was false because Lisa disclosed those funds early in the litigation and paid Boschal his share of the funds.

Boschal argued (1) he needed to issue subpoenas to obtain information about purported secret financial accounts; (2) Lisa's attorney routinely failed to meet and confer; and (3) he was at a disadvantage because he was not a lawyer and could not afford one.

The family law court found Lisa did not base her vexatious litigant request on Boschal's subpoenas that sought information about secret accounts, and, in any case, Boschal did not provide a basis for his belief that Lisa kept secret financial accounts. It also found that Boschal, in his capacity as a corporate officer, authorized a lawsuit against Lisa's boyfriend. The family law

court further found Boschal acted in propria persona while repeatedly filing unmeritorious motions and engaged in other tactics that were frivolous or intended to cause unnecessary delay.

Thus, the court deemed Boschal a vexatious litigant and issued a vexatious litigant prefiling order against him that requires him to seek permission from the superior court before filing any "new litigation" if he were to proceed in propria persona.[5]

On December 6, 2016, Judge Traber denied Boschal's ex parte application to vacate the vexatious litigant determination and prefiling orders for lack of exigent circumstances and lack of jurisdiction because Boschal had appealed those orders.

F. The Family Law Court Issued Monetary Sanctions Against Allan For Failing To Appear At Trial Pursuant To Code Of Civil Procedure Section 1987 And At His Deposition

The record includes two orders against Allan for monetary sanctions.

First, Lisa filed a motion for monetary sanctions of approximately $450 against Allan[6] for failure to appear pursuant

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[5] The family law court, however, allowed Boschal to file "a written request for disqualification pursuant to CCP 170.3 to the extent that it relates to matters arising after July 15, 2016."

[6] In that motion, Lisa requested sanctions against others, but those sanctions are not challenged on appeal.

to Code of Civil Procedure section 1987 (section 1987).[7] In response, Allan asserted Lisa's section 1987 notice to appear was untimely, he timely filed objections to that notice, Lisa was seeking to undermine discovery by asking for private documents from 2001, he was not the real party in interest, and he performed all his duties to appear and produce documents. Ultimately, Judge Traber awarded $250 in sanctions because Allan had legitimate privacy concerns regarding disclosure of financial information but was unjustified in failing to appear.

Second, on May 4, 2017, Judge Traber granted a motion to compel Allan's deposition and ordered monetary sanctions against him in the amount of $2,100. Specifically, Allan refused to appear for his deposition and his justifications for his refusal were not tenable.

G. Judge Traber Denied Boschal's Request That She Recuse Herself

On May 19, 2016, Judge Traber disclosed a potential conflict of interest arising from the following circumstances. In or around early 2015, Boschal moved to join Lisa's employer as a party. Lisa's employer opposed that motion and moved to quash Boschal's subpoenas. Those pleadings are not in our record. Judge Traber disclosed her husband was a partner in the law firm representing Lisa's employer in those proceedings and gave the parties an opportunity to be heard on that disclosure.

Boschal expressed concern that Judge Traber's connection with the law firm indicated bias on her part. Judge Traber explained her rulings would be unbiased because the decisions

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[7] Section 1987 authorizes a party to subpoena another party to appear personally and produce documents at a trial.

she was required to make were straightforward legal decisions, and Lisa's employer's involvement occurred about one-and-a-half to two years earlier. Boschal responded, "Okay. Okay. I understand."

Subsequently, Boschal, in propria persona, filed a motion for reconsideration of his request that Judge Traber recuse herself. In that motion, Boschal argued the husband's representation of Lisa's employer resulted in prejudice. Specifically, he argued because of the prejudice, Judge Traber denied his request for interim monetary support, violated his due process rights, and misconstrued loan documents in calculating his income. Boschal also asserted Lisa's counsel had improper ex parte communications with Judge Traber regarding a writ of execution he had obtained and that Judge Traber had subsequently vacated.

On August 18, 2016, the parties appeared for a hearing on the disqualification motion. At that hearing, Judge Traber observed that although her husband was a partner at the law firm that represented Lisa's employer in earlier proceedings in the case, her husband himself had not appeared as an attorney in the case. Further, Judge Traber denied that she had any ex parte communications with Lisa. Specifically, Judge Traber explained that her clerk—not Lisa or her counsel—alerted her that a temporary judicial assistant improperly issued a writ of execution. Thus, the family law court denied Boschal's motion for reconsideration.

H. The Family Law Court Ordered Boschal To Remove Derogatory Social Media Postings Regarding Lisa Pursuant To The Domestic Violence Restraining Order

On October 7, 2016, Judge Traber granted in part Lisa's ex parte application to order Boschal to remove offensive media postings that disparaged Lisa's professionalism, and criticized the family law court and Lisa's employer. The reporter's transcript reveals Boschal filed a response to Lisa's application, but that response is not in our record.

At the hearing, Boschal argued that such an order would violate his constitutional right to free speech. Boschal further contended, "the motion didn't cite any of the grounds for anything that you're doing here today."

The family law court ultimately entered an order narrower than what Lisa requested. Specifically, the court ordered Boschal to delete only those postings accusing Lisa of professional misconduct. The court reasoned that only those postings fell within the restraining order's scope not to disturb Lisa's peace.

I. The Family Law Court Denied Boschal's Ex Parte Request To Stay Proceedings Pending Appeal

On October 18, 2016, Judge Traber denied Boschal's ex parte application for a stay of proceedings pending appeal for lack of exigent circumstances. Judge Traber's minute order recites Boschal "must file a Request for Order, provide the Notice of Appeal and support for the nature and scope of stay sought." The family law court directed Boschal to provide the missing information and documents.

Nearly two years later on September 14, 2018, Boschal filed a request for order to stay entry of judgment because of a pending appeal. On September 19, 2018, the family law court, through Judge Christine Byrd, denied that request because: (1) no judgment had been entered; (2) the appeal could not stay "rulings regarding the payment of money, the execution of instruments, the sale or delivery of realty, the performance of acts, or the award of attorney fees" when Boschal failed to furnish an undertaking pursuant to Code of Civil Procedure section 917.1 et seq.;[8] (3) the proceedings could not be stayed as to the two claimants who had not appealed, Daphne Lee and Kracksmith; and (4) the request was too late given that Boschal filed the subject notice of appeal nearly two years earlier on October 17, 2016. Boschal did not appeal Judge Byrd's ruling.

On September 24, 2018, Boschal filed a petition for writ of supersedeas commanding the family law court to stay all proceedings and vacate the "judgment that were [*sic*] based on Trial Court's lack of jurisdiction upon [Boschal] filing his Notice of Appeal under CCP 425.16 on October 17, 2016." On October 11, 2018, we denied that petition.

J. The Family Law Court Denied Boschal's Ex Parte Motion To Disqualify Lisa's Counsel

On February 6, 2017, Boschal, in propria persona, applied ex parte "to strike and remove [Lisa]'s motion to compel and disqualification of [Lisa's] counsel, Shannon [*sic*] Quinley." (Capitalization omitted.) Boschal attached copies of meet and

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[8] "Unless an undertaking is given, the perfecting of an appeal shall not stay enforcement of the judgment or order in the trial court." (Code Civ. Proc., § 917.1, subd. (a).)

confer correspondence in which he accused Lisa's attorney of ethical misconduct.[9] Specifically, Boschal alleged Lisa's attorney included attorney-client privileged communications between Boschal and attorney William Stocker in exhibits to that motion to compel.[10]

Pursuant to Code of Civil Procedure section 391.7, subdivision (a), the family law court initially ordered Boschal to obtain permission from the presiding judge of the superior court to file the ex parte application. After the presiding judge referred that decision back to the family law court, it found that the ex parte application was not meritorious in part because there were no exigent circumstances warranting emergency relief. It also reasoned that Boschal was not in an attorney-client relationship with Stocker at the time of the communications at issue in the ex parte application, Boschal was then self-represented and "apparently" still was at the time of the hearing on the ex parte application, and attorney Stocker had "appeared in this action to represent Claimants Kracksmith, Inc. and Allan Lee."

Accordingly, the family law court did not find that the application had " 'not been filed [for] the purposes of harassment or delay,' " and denied Boschal's ex parte application. The family law court also ordered Boschal to obtain permission from the

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[9] On February 15, 2017, Allan filed a similar motion. No further information about Allan's motion is in our record, and Allan does not appeal any orders on that motion. Additionally, Lisa's motion to compel that Boschal sought to strike is not in our record, and the record does not indicate what Lisa had sought to compel.

[10] We observe that attorney Stocker represents Boschal and Allan on appeal.

presiding judge of the family law court before he could file and serve a future "[r]equest for [o]rder or motion in this action."

K. The Family Law Court Denied Boschal's Anti-SLAPP Motion To Strike Lisa's Vexatious Litigant Request

At the August 18, 2016 hearing, Judge Traber asked Boschal for authority for applying Code of Civil Procedure section 425.16 (the anti-SLAPP statute) to motions as opposed to a claim or complaint. Boschal responded that the authority was in his papers. In his appellate brief, Boschal provides no citation to those papers. The family law court then denied Boschal's anti-SLAPP motion because the anti-SLAPP procedure did not operate to strike motions, and Boschal's anti-SLAPP motion was untimely.

STANDARD OF REVIEW

We set forth the relevant standard of review in each subsection of our discussion below. We note Lisa did not file a brief. Thus, we "decide the appeal on the record, the opening brief, and any oral argument by" Boschal and Allan. (Cal. Rules of Court, rule 8.220(a)(2); *Gou v. Xiao* (2014) 228 Cal.App.4th 812, 817, fn. 3 [considered only appellant's materials where respondent did not file responsive brief in appeal of order denying domestic violence restraining order following temporary restraining order].)

DISCUSSION

I. Order That Allan Pay Monetary Sanctions Must Be Dismissed As Not Appealable

An appeal may be taken from an order directing payment of monetary sanctions if the amount of those sanctions exceeds $5,000. (Code Civ. Proc., § 904.1, subd. (a)(12).) Here, on May 4, 2017, the family law court ordered Allan to pay $2,100 as a discovery sanction to Lisa. We observe the family law court ordered sanctions against Allan and other parties in the amount of $250 on August 18, 2016; Allan's notice of appeal designates only the May 4, 2017 order.[11] In any event, the sanctions ordered against Allan do not exceed $5,000, rendering those orders nonappealable. Accordingly, we dismiss Allan's appeal in its entirety.

II. Order Denying Boschal's Motion To Disqualify Judge Traber Must Be Dismissed As Not Appealable

Boschal's motion to disqualify Judge Traber because her husband was a partner at the firm that represented Lisa's employer is reviewable exclusively by writ. (Code Civ. Proc., § 170.3, subd. (d).) Boshal never sought review by writ of Judge Traber's refusal to disqualify herself. We therefore dismiss Boschal's appeal of the denial of his challenge to Judge Traber.

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[11] More specifically, Allan and Boschal jointly filed a notice of appeal designating the orders made on February 6, 2017 and May 4, 2017, as set forth in subsection B of the background section above. No orders involving Allan were made on February 6, 2017. Thus, we consider only the May 4, 2017 sanctions order as the subject of Allan's appeal.

(See *Sears, Roebuck & Co. v. National Union Fire Ins. Co. of Pittsburgh* (2005) 131 Cal.App.4th 1342, 1349.)

III. Boschal's Appeal Of The Order Denying His Ex Parte Request To Stay Proceedings Must Be Dismissed As Not Appealable

Generally, an appeal may be taken from a "judgment" other than "an interlocutory judgment." (Code Civ. Proc., § 904.1, subd. (a)(1).)

To recapitulate the facts relevant to Boschal's claim regarding the denial of a stay, on October 18, 2016, the family law court (1) denied Boschal's ex parte application to stay all trial court proceedings pending appeal of the denial of his anti-SLAPP motion to strike Lisa's request to deem him a vexatious litigant because there were no exigent circumstances; and (2) directed Boschal to file a request for an order, provide a copy of the notice of appeal, and provide support for the nature and scope of the stay he was seeking. Nearly two years later, on September 14, 2018, Boschal filed a request for order to stay entry of judgment due to pending appeal. On September 19, 2018, the family law court denied Boschal's request.

Boschal's notices of appeal specify only the October 18, 2016 ruling—the denial of his ex parte application. Accordingly, only that ruling is before us. Because the order denying Boschal's ex parte application for a stay is merely interlocutory, it is not appealable. (See *Lyon v. Goss* (1942) 19 Cal.2d 659, 670 [pursuant to one final judgment rule, an order is not final and thus a nonappealable interlocutory order if further judicial action is anticipated]; *Marken v. Santa Monica-Malibu Unified School Dist.* (2012) 202 Cal.App.4th 1250, 1277 [denial of motion to intervene solely because it was filed on ex parte basis not

appealable].) In addition, Boschal's appeal of that ruling is moot because he subsequently filed a regularly noticed motion to stay proceedings. He, however, did not preserve an appeal from the order denying that noticed motion by failing to include it in his notice of appeal.

Accordingly, we dismiss Boschal's appeal of the October 18, 2016 order denying his ex parte request for a stay.

IV. Boschal's Appeal Of Order Denying His Motion To Disqualify Lisa's Counsel Must Be Dismissed Because It Is Untimely

"[A] notice of appeal must be filed on or before . . . [¶] 60 days after the superior court clerk serves on the party filing the notice of appeal a document entitled 'Notice of Entry' of judgment or a filed-endorsed copy of the judgment, showing the date either was served." (Cal. Rules of Court, rule 8.104(a)(1).)

Here, the family law court clerk served on the parties a notice of entry of the order denying Boschal's motion to disqualify Lisa's attorney on February 6, 2017. Boschal identified that order in his notice of appeal filed May 17, 2017. That date is more than 60 days after service of the notice of entry of the order. Thus, the appeal of that ruling is untimely, and we dismiss it. (Cal. Rules of Court, rule 8.104(b).)

V. Boschal's Appeal Of The Order Requiring Him To Remove Certain Social Media Postings Must Be Dismissed Because It Was Not Designated In Any Of His Notices Of Appeal

Boschal did not designate in his notice of appeal the order that he remove certain disparaging content about Lisa from his social media postings, thus depriving us of jurisdiction to review

that order. (See *Dakota Payphone, LLC v. Alcaraz* (2011) 192 Cal.App.4th 493, 504 ["Jurisdiction of the Court of Appeal is limited in scope to the notice of appeal"].) Although Boschal listed that order in two of his three designations of record, we conclude those designations do not save this portion of his appeal.

Specifically, the family law court's order is dated October 7, 2016, but that date is not listed in any of Boschal's notices of appeal. Especially given the number of other matters Boschal raises in this consolidated appeal and the fact that he expressly specified particular orders in his notices of appeal, there is nothing in any of Boschal's notices of appeal that would lead any reasonable litigant to infer that Boschal intended to appeal the October 7, 2016 order. This is true even applying a liberal construction to his notices of appeal. (See Cal. Rules of Court, rule 8.100(a)(2) [notice of appeal construed liberally]; *Russell v. Foglio* (2008) 160 Cal.App.4th 653, 661 [beyond liberal construction rule to construe notice of appeal as relating to a different order]; *Filbin v. Fitzgerald* (2012) 211 Cal.App.4th 154, 173 (*Filbin*) [liberal construction rule "does not apply if the notice is so specific it cannot be read as reaching a judgment or order not mentioned at all"].)

Indeed, the liberal construction rule operates to resolve an ambiguity in a notice of appeal, but not to save an appeal of an order not mentioned at all. (See *Luz v. Lopes* (1960) 55 Cal.2d 54, 60; *Filbin*, *supra*, 211 Cal.App.4th at p. 173.) Thus, although Boschal listed the October 7, 2016 order in his designation of record, that designation does not cure the complete omission of that order from his notices of appeal. (Cf. *D'Avola v. Anderson*

(1996) 47 Cal.App.4th 358, 362 [designation of record considered in construing notice of appeal that identified order appealed from with wrong case number thus creating ambiguity].)

Accordingly, we lack jurisdiction to consider the order and dismiss that portion of Boschal's appeal.

VI. The Family Law Court Did Not Err In Denying Boschal's Anti-SLAPP Motion

We review de novo a denial of an anti-SLAPP motion under Code of Civil Procedure section 425.16. (*Newport Harbor Offices & Marina, LLC v. Morris Cerullo World Evangelism* (2018) 23 Cal.App.5th 28, 42.)

An appellant must provide a complete record to support a claim of error with reasoned argument, citation to authority, and citation to the record, or the appellate court will deem the issue forfeited. (*Stasz v. Eisenberg* (2010) 190 Cal.App.4th 1032, 1039; *Cahill v. San Diego Gas & Electric Co.* (2011) 194 Cal.App.4th 939, 956 (*Cahill*).)

The family court found that Boschal's anti-SLAPP motion was untimely. Code of Civil Procedure section 425.16, subdivision (f) provides that an anti-SLAPP motion "may be filed" within 60 days of the service of the complaint. That section also gives a lower court discretion to allow a later filing. There is nothing in the record to support a conclusion that the family law court exercised its discretion to allow such a later filing. Indeed, in his appellate briefing, Boschal does not address this timeliness issue at all. Boschal also does not include a proof of service of Lisa's vexatious litigant motion. Accordingly, we do not have

complete data from which to address whether the family law court erred in finding the motion was untimely.[12]

Boschal also does not address the family law court's finding that the anti-SLAPP procedure is inapplicable to striking vexatious litigant motions. His argument is inimical to the complimentary purpose of the vexatious litigant and the anti-SLAPP statutes, which is to weed out meritless claims, including those that would chill the exercise of First Amendment rights. Indeed, section 425.16, subdivision (a) recites that the anti-SLAPP statute's purpose is to address "a disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances." (Code Civ. Proc., § 425.16, subd. (a).) Similarly, in *Shalant v. Girardi* (2011) 51 Cal.4th 1164 (*Shalant*), our Supreme Court has described the purpose of the vexatious litigant statutes as "designed to curb misuse of the court system by those persistent and obsessive litigants who, repeatedly litigating the same issues through groundless actions, waste the time and resources of the court system and other litigants." (*Id*. at p. 1169.)

Boschal argues that the anti-SLAPP statute applies to civil harassment petitions filed under Code of Civil Procedure section 527.6 because he asserts these kinds of petitions are causes of action or lawsuits. He fails to demonstrate the relevance of this proposition because there is no such petition in the record.

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[12] We observe, however, that Lisa's vexatious litigant motion is file-stamped June 22, 2015, and Boschal's anti-SLAPP motion is file-stamped on August 21, 2015.

He criticizes the family law court's "observ[ation of] claims of harassment to involve allegations of disturbing [Lisa's] peace from [his] petitioning the court in defending himself in this case," which he claims is activity within the purview of the anti-SLAPP statute. To the extent we can understand his argument, Boschal appears to be referring to the family law court's ruling ordering Boschal to remove social media postings accusing Lisa of unprofessionalism pursuant to the enforcement of the restraining order. We fail to discern what relevance this has to his efforts under the anti-SLAPP statute to strike Lisa's request to declare him a vexatious litigant.

In sum, Boschal has not demonstrated reversible error in the family law court's denial of his anti-SLAPP motion.

VII. Boschal Does Not Demonstrate Error Regarding The Family Law Court's Order Declaring him A Vexatious Litigant

An order deeming a party a vexatious litigant and imposing a prefiling order is appealable. (*In re Marriage of Rifkin & Carty* (2015) 234 Cal.App.4th 1339, 1347 (*Rifkin*).) " ' "A court exercises its discretion in determining whether a person is a vexatious litigant. [Citation.] We uphold the court's ruling if it is supported by substantial evidence. [Citations.] On appeal, we presume the order declaring a litigant vexatious is correct and imply findings necessary to support the judgment." [Citation.] Questions of statutory interpretation, however, we review de novo.' " (*Id.* at p. 1346.)

Code of Civil Procedure section 391 subdivision (b) defines vexatious litigant as follows: " 'Vexatious litigant' means a person who does any of the following [including]: [¶] (3) In any litigation while acting in propria persona, repeatedly files

unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay."[13] Thus on the statute's face, and contrary to Boschal's argument, one can be declared a vexatious litigant for filing "unmeritorious motions," as case law has so recognized. (*Rifkin*, *supra*, 234 Cal.App.4th at pp. 1344–1345, 1348 [at mother's request, father declared vexatious litigant for repeatedly filing motions asserting same unavailing allegations against her in child custody action]; see *Golin v. Allenby* (2010) 190 Cal.App.4th 616, 639–640 & fn. 28 (*Golin*) [in conservatorship proceedings, parents' frivolous tactics included "regular practice of revisiting issues," challenging every judicial officer without regard to timeliness or validity, and "apparent[ly]" forging proofs of service].)

Boschal argues that as a defendant in a marital dissolution action, he cannot be subject to a prefiling order and that there is no statutory authority for Lisa, as the purported plaintiff in that action, to seek a prefiling order against him. His arguments are not well-founded.

Code of Civil Procedure section 391.7 expressly gives family law courts authority to enter prefiling orders against vexatious litigants who file frivolous nondiscovery motions and

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[13] "The statutory scheme provides two sets of remedies." (*Rifkin*, *supra*, 234 Cal.App.4th at p. 1345.) First, in pending litigation, the defendant may move for an order that the plaintiff furnish security. (Code Civ. Proc., § 391.1.) Second, the court may enter a prefiling order precluding the vexatious litigant from filing new "litigation" in propria persona without first obtaining permission from the presiding judge. (*Id.*, § 391.7; *Shalant*, *supra*, 51 Cal.4th at p. 1172.)

applications.[14] Section 391.7 subdivision (a) provides that "the court may, *on its own motion or the motion of any party*, enter a prefiling order which prohibits a vexatious litigant from filing any new litigation . . . in propria persona without first obtaining leave of the . . . presiding judge." (Italics added.)[15] Code of Civil Procedure section 391.7 subdivision (d), in turn, provides " 'litigation' includes any petition, application, or motion other than a discovery motion, in a proceeding under the Family Code . . . for any order." That definition applies here because the family law court issued the prefiling order in a marital dissolution action, which proceeded under Family Code section 2000 et seq.[16]

Boschal relies on *Shalant*, *supra*, 51 Cal.4th 1164 to argue the vexatious litigant prefiling order precluded him from

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[14] Family Code section 210 provides for application of "rules of practice and procedure applicable to civil actions generally, including the provisions of Title 3a (commencing with Section 391)" to proceedings under the Family Code.

[15] We observe "a prefiling order does not limit a vexatious litigant from initiating litigation if represented by an attorney." (*Flores v. Georgeson* (2011) 191 Cal.App.4th 881, 886.) We also observe a vexatious litigant may move to vacate a prefiling order upon showing a material change in facts indicating a mending of his or her ways. (Code Civ. Proc., § 391.8; *Luckett v. Panos* (2008) 161 Cal.App.4th 77, 93.) The trial court denied Boschal's motion to vacate the prefiling order, but as noted previously, Boschal did not appeal that ruling.

[16] "This part applies to a proceeding for dissolution of marriage, for nullity of marriage, or for legal separation of the parties." (Fam. Code, § 2000.)

participating in the dissolution action. His reliance on *Shalant* is misplaced.

The issue before our Supreme Court in *Shalant* was whether litigation filed by a lawyer on behalf of a vexatious litigant subject to a prefiling order had to be dismissed when the lawyer withdrew after filing. Because Code of Civil Procedure section 391.7 refers to "filing," our Supreme Court held the vexatious litigant had not violated the prefiling order by remaining in the proceeding in propria persona but could have been required to furnishing security. (*Shalant*, *supra*, 51 Cal.4th at p. 1171.) With the exception of his motion to disqualify Lisa's counsel, the prefiling order here did not prevent Boschal from filing any motion or application that is the subject of this appeal. As set forth in section III above, however, Boschal's notice of appeal of the denial regarding that motion was untimely.

Boschal contends there was no substantial evidence of frivolous filings by him, but he does not address Lisa's counsel's list of his 17 unmeritorious filings, nor does he provide those filings in the record. To avoid forfeiture, orderly appellate practice required him " 'to set forth in [his] brief *all* the material evidence on the point and *not merely [his] own evidence*.' " (*Foreman & Clark Corp. v. Fallon* (1971) 3 Cal.3d 875, 881 (*Foreman*).)

Boschal further contends Judge Traber erred in considering that Judge Silberman denied his motions when Judge Silberman was the judicial officer in the case. Boschal cites no authority for this contention, thus forfeiting it. (*Cahill*, *supra*, 194 Cal.App.4th at p. 956.) Additionally, we observe Code of Civil Procedure section 391, subdivision (b)(3) refers to frivolous filings made in

"any litigation" and not just to findings made by the judicial officer hearing the vexatious litigant motion.

Boschal reasons that Judge Traber's consideration of Judge Silberman's rulings amounts to improper independent investigation by a judicial officer. His authority does not assist him. Specifically, Boschal cites *People v. Handcock* (1983) 145 Cal.App.3d Supp. 25—from the superior court's appellate division—which is not binding on us (*Velasquez v. Superior Court* (2014) 227 Cal.App.4th 1471, 1477, fn. 7), and is factually inapposite. In that case, the trial court conducted its own investigation of the scene of a hit-and-run auto accident. (*People v. Handcock*, *supra*, 145 Cal.App.3d Supp. at p. 28.)

Boschal also cites *People v. Barquera* (1957) 154 Cal.App.2d 513, but does not explain how it is relevant to judicial findings in vexatious litigant proceedings. It is not. There, the appellate court reversed a criminal conviction in part because, based on pretrial proceedings, the trial judge stated that defendant had no defense before defendant even had a chance to put on a defense. (*Id.* at pp. 515–517.)

Boschal asserts the family law court erred in considering his social media postings threatening to sabotage Lisa's employment because that evidence was proffered in a different proceeding, to wit, her ex parte application to enforce the restraining order. He is incorrect. The family law court may, as may we, consider that evidence in deciding whether there was substantial evidence supporting a finding that Boschal is a vexatious litigant. (*Golin*, *supra*, 190 Cal.App.4th at p. 639 ["[T]here is substantial evidence from which to imply findings in support of the trial court's ultimate determination about the Golins' litigation tactics. We need only examine one topic—their

challenges to every judicial officer assigned to this case in Santa Clara County—to reach this conclusion."].)

In sum, Boschal has not demonstrated error in the family law court's order deeming him a vexatious litigant and imposing a prefiling order.

VIII. The Family Law Court Did Not Abuse Its Discretion In Renewing The Domestic Violence Restraining Order For 101 Years

We review an order granting or renewing a domestic violence restraining order for abuse of discretion. (*In re Marriage of Nadkarni* (2009) 173 Cal.App.4th 1483, 1495 (*Nadkarni*).) We review the family law court's factual findings for sufficiency of the evidence taking all inferences in favor of the court's findings including credibility determinations.

Boschal challenges the original restraining order because he was not allowed to testify after the family law court found he failed to appear. Judge Silberman issued the restraining order on February 20, 2015, which was set to expire three years from that date. Thus, Boschal's challenge to the order is untimely because he filed his earliest notice of appeal nearly 18 months later, on October 17, 2016. (Cal. Rules of Court, rule 8.104(a).) Additionally, Boschal did not identify the initial restraining order in any of his notices of appeal, and any attempt to do so now would plainly be untimely.

Regarding the renewal of that restraining order, Boschal asserts a number of challenges. We address them in turn.

First, Boschal argues he received only 13 days' notice of the hearing on the renewal motion. He relies on Family Code section 243. That statute applies to notices of hearing on the issuance of a restraining order following the issuance of a

temporary restraining order. It does not apply to a renewal proceeding, as here. Specifically, Family Code section 243 applies to "a petition under this part," and Family Code section 240 provides, "This part applies where a temporary restraining order . . . is issued . . . ," not renewed.

The notice period relevant to the renewal proceeding is 16 court days if the moving papers are served personally, 16 court days plus five calendar days if served by mail, or 16 court days plus two calendar days if served by a method providing for overnight delivery. (See Code Civ. Proc, § 1005, subd. (b); Cal. Rules of Court, rules 5.2(d) [all provisions of law applicable to civil action applicable to proceeding pursuant to Family Code] and 5.92(a)(1)(A), (d)(2) [" 'request for order' " has same meaning as " 'motion' " or " 'notice of motion' " as used in Code of Civil Procedure, and moving party in family law court proceeding may request shorter time for filing and service than specified in Code of Civil Procedure section 1005].)

Here, the proof of service of Lisa's request to renew the restraining order is not in the record. Without Lisa's proof of service, Boschal cannot demonstrate that he did not receive proper notice. (See *Keyes v. Bowen* (2010) 189 Cal.App.4th 647, 655 (*Keyes*) [appellant's burden to overcome presumption trial court was correct with citation to record].)[17]

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[17] We observe, however, that Lisa's request is in the record, and the lower court's file stamp on the request is dated November 30, 2017. According to Boschal's response to that request, the hearing was noticed for December 21, 2017, and was held on that date, which date is 21 calendar days after the date of the lower court's file stamp on Lisa's request to renew.

Moreover, the reporter's transcript shows that Boschal filed an opposition to Lisa's request, Judge Traber considered Boschal's response, and Boschal opposed Lisa's request on the merits at the hearing. Boschal requested a continuance of that hearing, but for reasons other than insufficient notice.[18] Having responded to Lisa's renewal request, Boschal has waived any purported defect in notice. (See *Carlton v. Quint* (2000) 77 Cal.App.4th 690, 697.)

Second, Boschal asserts service of the renewal motion was defective because Lisa served him instead of his attorney. Boschal cites Rules of Professional Conduct, rule 2-100, subdivision (a), which provides, "While representing a client, a member shall not communicate directly or indirectly about the subject of the representation with a party the member knows to be represented by another lawyer in the matter."

The only indication in the record that Boschal was represented around the time of the renewal proceeding appears in the family law court's case summary. Specifically, an entry dated June 2, 2017 reads, "Notice—Limited Scope Representation ( ) [¶] Filed by Respondent." Given that the cited representation had a "Limited Scope" and that the renewal motion was filed and served in November and December 2017, respectively, we cannot conclude Lisa's attorney erred in serving Boschal. In addition, the transcript of the December 21, 2017 renewal hearing indicates Boschal was self-represented at that hearing.

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[18] Specifically, Boschal asserted below that his attorney did not appear, and the family law court lacked jurisdiction because of a pending appeal. Boschal does not raise these issues here, thus forfeiting them. (*Keyes*, *supra*, 189 Cal.App.4th at p. 656 [must raise each point in appellate brief].)

Third, Boschal asserts the family law court should have granted his request for a continuance as a matter of right, citing Family Code section 243, subdivision (e). As set forth above, that section does not apply to renewal proceedings.

Finally, Boschal contends the family law court erred both in considering evidence of his text messages to Lisa because they purportedly were part of settlement negotiations, and in considering evidence of his litigation tactics, including his efforts to remove the dissolution case to federal court,[19] as reflecting Boschal's "intent to intimidate and threaten" Lisa and her livelihood.

We conclude the family law court did not err in considering this evidence given the standard governing renewals of restraining orders, to wit, whether the applicant has a " 'reasonable apprehension' of future abuse. " (*Ritchie v. Konrad* (2004) 115 Cal.App.4th 1275, 1290 (*Ritchie*).) "In evaluating whether the requesting party has a reasonable apprehension of future abuse, [1] 'the existence of the initial order certainly is relevant and the underlying findings and facts supporting that order often will be enough in themselves to provide the necessary proof to satisfy that test.' [Citation.] 'Also potentially relevant are [2] any significant changes in the circumstances surrounding the events justifying the initial protective order.' . . . Also relevant are [3] the seriousness and degree of risk, such as

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[19] Lisa's attorney stated below that the district court "sanctioned Mr. Stocker over $4,000 personally because of the frivolous removal to federal court." She further stated, "And then that was appealed and the Ninth Circuit Court of Appeals decided that that appeal was frivolous and denied it and summarily closed it."

whether it involves potential physical abuse, and [4] the burdens the protective order imposes on the restrained person, such as interference with job opportunities." (*Lister v. Bowen* (2013) 215 Cal.App.4th 319, 333.) "Abuse" in this context includes "several types of nonviolent conduct that may constitute abuse" such as stalking, threatening, and disturbing the peace. (*Nadkarni*, *supra*, 173 Cal.App.4th at p. 1496.)

Finally, Boschal challenges the 101-year term of that renewed restraining order. A domestic violence restraining order may be renewed permanently; 101 years is effectively permanent. (Fam. Code, § 6345, subd. (a) [a domestic violence restraining order may be renewed for five years or permanently].)

In sum, we conclude the family law court did not abuse its discretion in renewing the restraining order.

IX. Boschal Has Not Established Error In The Family Law Court's Denial Of Interim Monetary Spousal And Child Support, Attorney Fees, And His Claim That His Income Was Really A Loan

During the pendency of a marital dissolution proceeding, the family law court may order either spouse to pay necessary support of the other spouse or a child, and shall ensure each party has access to legal representation by ordering one party to pay the other party's attorney fees. (Fam. Code, §§ 2030, subd. (a)(1), 3600.)

"Orders for temporary spousal support are appealable." (*In re Marriage of Winter* (1992) 7 Cal.App.4th 1926, 1932 (*Winter*).) "The denial of a request for attorney fees pendente lite is appealable because it possesses all the elements of a final judgment on the issue of whether a spouse may be able to obtain such fees." (*Askew v. Askew* (1994) 22 Cal.App.4th 942, 964,

fn. 37.) We review temporary support orders for abuse of discretion. (See *Winter*, at p. 1932.)

Boschal contends the family law court "wrongfully used loan refinancing amounts as income" instead of community debt, failed to perform the required analysis under guidelines for support, and refused to provide him a further opportunity to produce loan documents that would have evidenced the court's wrongful use of "loan refinancing amounts." Boschal, however, does not provide any factual or legal analysis to support these conclusory statements. Boschal's "absence of cogent legal argument or citation to authority allows this court to treat [his] contention[s] as waived." (*Cahill*, *supra*, 194 Cal.App.4th at p. 956.) Additionally, Boschal concedes the family law court subsequently reviewed the loan documents at the September 6, 2016 reconsideration hearing and arrived at the same conclusion.

Finally, Boschal contends a family law court may consider the other party's litigation tactics in awarding attorney fees. He cites the proceedings we have set forth above as evidence of Lisa's "tactics," including opposing his requests for monetary support, requesting that he be deemed a vexatious litigant, requesting a restraining order against him, and including his communications with attorney Stocker with the exhibits to one of Lisa's motions to compel.

He relies on *In re Marriage of Drake* (1997) 53 Cal.App.4th 1139, 1167 (*Drake*). That case cites *In re Marriage of Dick* (1993) 15 Cal.App.4th 144, 166–168 for the proposition that a $750,000 attorney fees award was proper where the record " 'reveals a case of stunning complexity, occasioned, for the most part, by husband's intransigence.' " (*Drake*, at pp. 1167.) Here, as set forth above, we conclude there was no error in the

family law court's rulings against Boschal and in favor of Lisa. Thus, the family law court did not abuse its discretion in not considering nonexistent litigation abuse by Lisa.

DISPOSITION

Boschal's and Allan's appeals of orders regarding monetary sanctions, judicial officer recusal, social media postings, and disqualification of Lisa's counsel are dismissed. We affirm all other orders in these consolidated appeals. The parties are to bear their own costs on appeal.

NOT TO BE PUBLISHED.

BENDIX, J.

We concur:

ROTHSCHILD, P. J.

CHANEY, J.